

REMARKS

At the outset, the Applicant wishes to thank the Examiner for his courtesy in allowing an interview with Attorney James W. Babineau, Registration No. 42,276 on October 28, 2003. Claims 1-14 are pending in the application, of which claim 1 is independent. The following paragraphs are numbered to correspond to the Examiner's action.

2. Claims 1-3, 6, 7, 9, 10 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,384,486 to Eckert ("Eckert"). Applicant respectfully traverses these rejections and requests reconsideration in light of the above amendment and the following remarks.

Eckert discloses a fill indicator for a pressure vessel, such as one used in a fire extinguisher. The indicator includes a tape mounted for movement between two spaced rollers and carrying a first magnet within a housing, while a second magnet connected to a float is mounted for movement on the exterior of the housing. The float is displaced along the housing by the level of the fire extinguishing material in the pressure vessel. Movement of the float causes a corresponding movement of the tape and an indicator attached to the tape for display.

Eckert does not teach or suggest a substantially linear rigid shaft that is configured to transmit an axial force to a biasing member to indicate the tank liquid level by its axial positioning, as now claimed. In Eckert, an axial force is applied along a flexible tape-like material (64) and converted into rotational movement at the pivot pins (56, 58) and journal rollers (60, 62) for *indicating tank level by a rotational positioning* of the tape structure 64.

In the Applicant's invention, the linear rigid shaft moves against the downwardly directed biasing force of a biasing member (e.g., return spring 48) to achieve the proper axial position. The biasing member compensates for the fact that as material is released from the tank in a gaseous state for use, the pressure within the tank remains relatively constant until all of the liquid material changes to gas. (See Application, p. 1, lines 14-21.) This nonlinear relationship between the mass of material and the pressure within the tank (as is the case with propane and other similar volatile materials stored under pressure) is specifically addressed by the Applicant's

invention as claimed. In contrast, the tank liquid level gauge of Eckert does not provide for this nonlinear relationship in that the movement of the float 44 and annular magnet 46 causes a *proportional* movement of the indicia on the tape structure 64 for displaying the tank level.

At least on these bases, we submit that all claims pending in this application are distinguishable over the prior art and therefore in condition to be allowed.

3. Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eckert in view of U.S. Patent No. 5,472,012 to Wood ("Wood"). In view of the above amendment to claim 1, from which claims 4 and 5 depend, Applicants respectfully submit that claims 4 and 5 be allowable for at least the same reasons as claim 1.

4. Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Eckert in view of U.S. Patent No. 5,124,686 to White ("White"). In view of the above amendment to claim 1, from which claim 8 depends, Applicants respectfully submit that claim 8 allowable for at least the same reasons as claim 1.

5. Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eckert in view of White. Claims 11 and 12 depend on amended claim 1 and are patentable for at least the same reasons.

6. Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Eckert in view of U.S. Patent No. 6,336,362 to Duenas ("Duenas"). Claim 13 depends on amended claim 1 and is patentable for at least the same reasons.

In light of the above remarks, which are supported by the items discussed at the interview with the Examiner, Applicant requests that all claims be allowed.

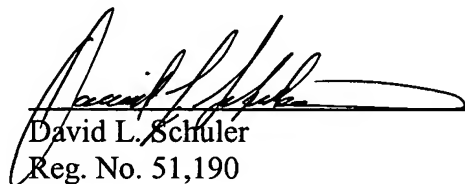
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Serial No. : 10/024,431
Filed : December 18, 2001
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Attorney's Docket No.: 04373-015001

Enclosed is a \$55.00 check for the Petition for One-Month Extension fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 04373-015001.

Respectfully submitted,

Date: 2/17/2004


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